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New Soviet Parliament: Process, Procedures and Legislative Priority

When Gorbachev restructured the Soviet legislature in December 1988, the way in which Soviet laws are made began to change fundamentally. Since 1977, the right to initiate legislation has rested in the two chambers of the USSR Supreme Soviet and in its organs, in individual deputies of the Supreme Soviet, in the USSR Council of Ministers, and in various state agencies and public organizations.¹ In practice, however, ministerial-level agencies have played the principal role in the legislative process. Working groups, consisting of invited academics (e.g., economists, jurists, and scientists) and practical specialists (ministerial officials and others with a direct interest in the proposed legislation), would form within the bureaucracy for the purpose of preparing initial drafts.² The working draft would then move through bureaucratic channels for coordination and clearance by interested agencies, and eventually reach the USSR Council of Ministers for final approval and presentation to the Presidium of the Supreme Soviet (the "Presidium").

Most legislation drafted in this fashion initially appeared in the form of decrees issued by the Presidium. While such decrees had the force of law upon issuance, they required subsequent approval by the next scheduled session of the Supreme Soviet. Such approval was invariably a unanimous, empty formality. Occasionally, the bureaucracy would present legislation of exceptional importance to the Supreme Soviet for "debate," which would consist of supporting statements by the ranking officials sponsoring the legislation, and prearranged supporting responses by designated deputies. Approval of the law by unanimous vote would complete the charade.

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1. The constitutional revision of December 1988 restructured the Soviet legislative procedures established by article 113 of the 1977 Brezhnev Constitution.

2. A decree on the proposed legislative agenda issued in September 1986, for example, assigned responsibility for drafting each law to a working group of government agencies and public organizations. *See* Ved. Verkh. Sov. SSSR No. 37, Sept. 10, 1986.

This legislative process continued through the initial years of the Gorbachev regime, and as a result, much early reform legislation proved unsatisfactory because the bureaucracy tended to subordinate Gorbachev's attempts at radical reform to its own narrow interests.³

I. Old Process, New Spirit

The constitutional amendments of December 1988 left the procedures for initiating legislation essentially intact. The constitutional amendments added only the newly created Congress of People's Deputies (the Congress") to the list of institutions having the right to initiate legislation in article 114 (replacing article 113 of the original text of the USSR Constitution).⁴

At the beginning of Gorbachev's rule, the deputies of the restructured Supreme Soviet had little choice but to continue relying on the bureaucracy for the preparation of legislative drafts. Reformers, however, soon began to object that the old process was inappropriate for the new deliberative body. Fedor M. Burlatskiy, a leading liberal and political scientist, told an *Izvestiia* interviewer:

First of all, the principle whereby draft laws are drawn up by individual departments secretly, behind closed doors, is wrong. They are afraid to let documents out of their sight until they are deemed ready—but they themselves lose out because of this. We need a new procedure for drafting legislation: the Supreme Soviet committees and commissions must take full responsibility for this from the start.⁵

As deputies began to assert their prerogatives, the bureaucracy's role came under increasing challenge. Members of the legislative committees and commissions often found the bureaucracy's drafts unacceptable because, in their view, they failed to address the needs of society or the prevailing political realities. In such cases, committee and commission members had three options: to return a draft to the Council of Ministers for further work;⁶ to revise the bill themselves;⁷ and to discard an unsatisfactory Council of Ministers draft altogether and draft their

3. For example, the much publicized law giving citizens the right to seek court relief against actions by officials that infringed on their rights, proved largely ineffective because it excluded major elements of the bureaucracy from legal liability under the law. See *USSR Law on the Procedure of Appeal to the Courts Against Illegal Actions by Officials Encroaching on Citizens' Rights*, *Izvestiia*, July 2, 1987, USSR FBIS, July 2, 1987, at R7-RIO, arts. 1 & 3.

4. *Law on Constitutional Amendments*, *Pravda*, Dec. 3, 1988.

5. Interview with Fedor M. Burlatskiy, member of the Supreme Soviet and head of the Subcommittee on Humanitarian, Scientific, and Cultural Cooperation of the Supreme Soviet International Affairs Committee, *Izvestiia*, Oct. 10, 1989, USSR FBIS, Oct. 13, 1989, at 43.

6. Members chose this option in the case of the Law on Socialist Enterprise by the Commission for the Development of Industry, Power Engineering, and Technology. Moscow Domestic Service, Oct. 19, 1989, USSR FBIS, Oct. 23, 1989, at 39.

7. The Committee on Legislation, Legality and Law and Order, after hearing testimony from representatives of the Interior Ministry, the KGB, and the USSR Prosecutor's Office, decided to have the draft Criminal Procedures Law revised by its

own legislation.⁸

The Presidium continues to issue decrees, but this is no longer a standard legislative procedure; the practice is now limited to matters of urgency or limited scope. Today the Supreme Soviet treats decrees in the same way as legislative bills, i.e., appropriate committees examine them and they no longer receive automatic approval.⁹

The restructured legislative process altered the relationships between the regime, the legislature, and the bureaucracy. Formerly, the bureaucracy served as the regime's instrument for transforming party policy into state legislation. By shifting that responsibility to the legislature, the regime for the first time provided the Soviet public, through their elected deputies, with a voice in the formulation of national policy and legislation—areas the party leadership has always guarded jealously as its exclusive prerogative. The new relationships, however, left unresolved, questions and ambiguities. For example, the Congress, and its deliberative organ, the Supreme Soviet, began to debate public issues and draft legislation apparently without any awareness of how far they could deviate from established Party policy or the interests of the regime's administrative establishment.

II. Competition Between the Supreme Soviet and the Bureaucracy

The relationship between the Supreme Soviet and the bureaucracy has been marked by ambivalence and caution. On the one hand, deputies readily acknowledge that the relationship is essentially adversarial, involving conflicting interests, differing perceptions and an institutional struggle over political turf.¹⁰ On the other hand, deputies concede the necessity of developing a constructive working relationship, if only because the Supreme Soviet still lacks legislative experience in drafting complex legislation and must rely on the bureaucracy's expertise and access to facts and figures. Regime nominees for ministerial positions have been responsive to questioning by deputies, as have ministerial officials in testifying before legislative committees and commissions.¹¹

This ambivalent relationship between the bureaucracy and the legislature provides the regime with opportunities for exercising control

own subcommittees with the participation of the three law enforcement agencies. *Izvestiia*, Oct. 22, 1989, at 3.

8. Members chose this option in the case of the Law on the Press and other Mass Media.

9. When the Supreme Soviet issued a "USSR law" on July 31 approving thirteen decrees, for example, three had clearly identified editorial or substantive changes. *Izvestiia*, Aug. 5, 1989.

10. Sobchak, *The Path to Rule of Law*, *Pravda*, Dec. 5, 1989. Sobchak is a Doctor of Juridical Sciences, Chief of Department of Leningrad State University, and a People's Deputy.

11. Ministers and other officials who implement regime policies are now nominated by the regime but confirmed by the Supreme Soviet.

through maneuver and manipulation.¹² But short of the totally unacceptable, the regime appears prepared to live with whatever emerges from the vagaries of the new legislative process. Both the process and its results may not be as controllable or predictable as the earlier legislative charade, but they tend to enhance the political legitimacy of the regime and permit it to blame, in part, the legislators if they pass laws during the USSR's current political and economic crisis that prove unsuccessful or unpopular. At the same time, the exercise of real legislative functions by the Supreme Soviet permitted a more precise separation between the legislative and executive functions of government.

III. The Decline of the Party, Bureaucracy, and "Democratic Centralism"

The current slogan "All power to the Soviets" does not act as merely one more slogan in a long and tedious succession of slogans that no longer hold meaning for Soviet citizens. It reflects the reality that a power shift has commenced and has shifted power away from the bureaucracy and the Communist Party, and toward the elected soviets on national and republic levels. Gorbachev himself has devoted much effort and rhetoric aimed at discrediting the bureaucracy, which the public already holds in low esteem. In addition, *glasnost* revelations of past horrors and recent abuses, and the humiliating defeats suffered by prominent party leaders during the Supreme Soviet elections early in 1989 have severely undercut the authority and prestige of the Party.

Even though the majority of elected deputies are Party members and include many conservatives, they have not acted as passive or obedient regime supporters in the Supreme Soviet. Even conservative deputies have quickly adjusted to the new rules of the game and have begun to demonstrate strong views on subjects that cut across regime policies. Also, like the reformers, they have responded to the stimulus of newly acquired power,¹³ and have quickly become accustomed to the expectation that they argue and have differing views on public issues.¹⁴

12. For example, the regime exercises such control when the bureaucracy submits a legislative draft that is unacceptably "conservative," or when the Supreme Soviet produces one that is unacceptably "radical."

13. This became apparent during debates on amendments to the Law on Cooperatives, when Gorbachev found himself under strong pressure from radical reformers who wanted to strengthen cooperatives, and from conservatives who took advantage of public outrage over the high prices charged by cooperatives in order to scuttle them as an economic institution. One motion to close down cooperatives engaged in trading and purchasing was defeated by the narrow margin of 205 votes to 190. Media accounts of the Supreme Soviet's second session recorded numerous close votes on amendments to legislation, even though deputies, in general, tended to revert to the habits of an earlier time in voting final approval by a solid majority. Partos, *Gorbachev, Co-ops, and the Politics of Envy*, BBC Caris Talk No. 194/89, Sept. 27, 1989.

14. During debate on the Standing Orders Law, one deputy noted that "even six months ago, the very posing of the question of the presence of groups in parliament caused shock and a storm of emotions. Now it is the norm and does not surprise

The spectacle of Soviet deputies engaging in wide-ranging, often acrimonious debate reflecting a broad spectrum of views, inevitably raises the question of what happened to Party discipline as a factor that used to inhibit Party members from expressing their views and voting freely. According to Politburo member Aleksandr Yakovlev, Party loyalty no longer demands Party discipline. Yakovlev points out that although eighty-seven percent of the deputies elected at the spring 1989 elections were Communist Party members,¹⁵ and that Communist deputies are duty-bound to support the Party's authoritative policy decisions, specifically, those adopted by the Nineteenth Party Conference, this support is based on how individual Party members understand and interpret the decisions. According to Yakovlev, "[t]his doesn't mean they must bow to the opinions of just any party body." Yakovlev feels substantially independent of any Party leader, even the topmost, and feels as if he possesses an even broader freedom.¹⁶ According to Yakovlev, "No MP has yet been accused of breaching party discipline despite views expressed; at least I've never heard of any party member being reproached for what he may have said in parliament."¹⁷

Clearly, current Party policies and practices no longer conform to the salient characteristics of "democratic centralism" as defined by the Seventeenth Party Congress under Stalin, and which remain essentially unchanged in the text of the Statutes of the Communist Party of the Soviet Union (the "CPSU") as approved by the Twenty-seventh CPSU Congress in 1986: "[s]trict party discipline and the subordination of the minority to the majority," and that "[d]ecisions of the higher party organs are absolutely binding on the lower organs." The need, how-

anyone." Another deputy pointed out that a parliament without an opposition is senseless and a waste of money "if we can receive complete unanimity by much cheaper means." The function of a parliamentary minority, he explained, is "to offer a true alternative to the proposed projects . . . These rights of the minority should be guaranteed." *Id.* at 58.

15. Moscow World Service, Dec. 20, 1989, USSR FBIS, Dec. 22, 1989.

16. [I]f the party itself moves away from the principles of *perestroika*, I won't feel myself bound by party discipline. For a truly democratic party, discipline means supporting its policy because you understand it and wish to promote it. If I disagree with the policy I'll say so openly. I won't play the hypocrite, and I certainly won't act against my conscience or against the nation's interests as I understand them. National interests are my key concern.

17. Yakovlev offered this comment in response to a question of whether or not he believed that party leaders feel that criticism by party members represents "an attack on the party's prestige and a breach of discipline." The recent voting on privileges provides an example of Yakovlev's views. In response to how party leaders who were also deputies voted "on the question of privileges," *Komsomolskaya Pravda* reported that deputies that voted in favor of putting the question on the agenda included V.I. Vorotnikov, L.N. Zaykov, V.A. Ivashko, Ye.K. Ligachev, and A.N. Yakovlev. Those that voted against putting the question on the agenda included M.S. Gorbachev, V.A. Medvedev, N.I. Ryzhkov, and N.N. Slyunkov. The votes of Politburo candidate members were similarly split. "As you can see, this is full pluralism," the paper commented. *Komsomolskaya Pravda*, Dec. 17, 1989. The vote focused on a question of some sensitivity for the party, since the "privileges" consisted of the perquisites enjoyed by the "nomenklatura," i.e., policy-level officials of the Soviet establishment.

ever, to bring the theory of the two key points closer to the realities of the current turmoil within the Party was one of the staple topics of the political scene in Moscow during 1989. An article in a journal published by the CPSU Central Committee identified no less than seven specific political trends within the Party, ranging from liberals who regard themselves as social democrats at one end of the political spectrum, to the neo-Stalinists at the other extreme, plus an eighth category, the "silent majority."¹⁸

As of early 1990, however, Party officials had made no serious effort to restore internal cohesion within a party that was showing unmistakable signs of disunity.¹⁹ Chairman B. K. Pugo of the Central Committee's Party Control Committee, the Party official directly responsible for maintaining Party discipline, in a January 1990 interview, for example, avoided using the phrase "democratic centralism" entirely, even when the interviewer asked directly about the current role of factionalism within the Party. He instead focused on the Party's treatment of Party members and officials involved in unethical or criminal behavior.²⁰ In addition, on January 20-21, 1990, an all-union conference of Communist Party clubs in Moscow adopted a "democratic platform of the CPSU" which called for a multiparty system, the restructuring of the CPSU into a parliamentary-type party, and the abolition of "democratic centralism."

IV. Recent Legislative Reform

A. Drafting Parliamentary Procedure

The ad hoc and frequently chaotic flavor of the first two sessions of Congress and the Supreme Soviet vividly illustrates both their lack of experience and the absence of established procedures for transacting the business and performing the normal functions of a Western-style parliament. At its second session, the Supreme Soviet approved and presented to Congress drafts of three bills for final action to remedy this deficiency: bills on the rules of legislative procedure, on the status of Peoples Deputies, and on their recall. At its second session, Congress

18. Shostakovskaya, *Obnovlyaya kontseptsiyu partii*, POLITICHESKOYE OBRAZOVANIYE, No. 18, Dec. 1989, at 11.

19. Argumenty i Fakty, No. 4, Jan. 27-Feb. 2, 1990.

20. PUGO: "I am profoundly convinced of this—[that] the communist's right to the free discussion of all questions of party policy is inseparable from the strictest observance of party discipline."

QUESTION: "That is, you are categorically opposed to factions and an opposition?"

PUGO: "You know, I am against that 'iron unity' which stultifies a person and deters him from a desire to think and act. I am for unity where on the basis of a free comparison of opinions a common action program is formulated. We may criticize the program, we may have an alternative viewpoint, but if this program has been adopted by the majority, we should, in Lenin's words, act as one man. But even in this case no one is about to gag anyone, as they say. If you have a particular opinion, out with it."

approved only the bill on the status of deputies. It was unable to decide upon either rules of legislative procedure or on the recall of deputies and returned the bills to the Supreme Soviet for further consideration.

Although not yet published, it is evident from reports in the Soviet media that for the most part, the draft on procedures codified practices that evolved during the first two sessions of both bodies. Its adoption, however, will not likely settle all questions. Rather, Soviet deputies and commentators expect the law to serve as a starting point for a lengthy process of change. Chairman Ye. Primakov of the Supreme Soviet's Council of the Union summarized the highlights of the draft on procedures.²¹ First, the committees of the Supreme Soviet and the standing commissions of its two chambers are assigned a key role in preparing legislative bills for consideration by the Supreme Soviet. Second, the procedure for examining, debating, and amending bills by the Supreme Soviet involves two "readings." At the "first reading," the committee in charge of a bill presents it to the Supreme Soviet with comments and recommendations. During the ensuing debate, deputies decide whether the bill is generally acceptable; if so, the Supreme Soviet returns it to the committee with instructions for specific changes and redrafting. Deputies at this stage may also order the bill published for public discussion. After completing its work, the committee returns the bill to the floor for a "second reading." At this time, the deputies examine it and debate it article by article before taking a final vote. Third, deputies have the right to form groups representing territorial areas or public organizations they represent, as well as "to unite in other standing and ad hoc groups." This provision, in effect, provides the statutory basis for forming groups that represent special interests or political factions within the CPSU, such as the "Interregional Deputies' Group" (reform group led by Boris Yeltsin and the late Andrey Sakharov). Finally, the Presidium serves as the legislature's executive organ through which the regime (specifically, the CPSU as the majority party) exercises control over legislative policy and strategy. It also has authority over the Supreme Soviet's administrative requirements, including staff support, facilities, and prerequisites. It remains to be seen whether the regime intends to use this provision to inhibit the development of the Supreme Soviet to its full potential.

B. Changing Priorities in the Supreme Soviet

The legislative accomplishments of the first session of the restructured Supreme Soviet (June 26 - August 4, 1989) fell short of original expectations. Concerned initially with self-organization and with approving the regime's nominations to the Council of Ministers, the Supreme Soviet enacted some economic legislation, but only two measures in the area of political and legal reform: a law on the status of judges and a revision of the statute on state crimes. The Supreme Soviet deferred action on the

21. Moscow Television, Nov. 21, 1989, USSR FBIS, Nov. 24, 1989.

bill for settling labor disputes because deputies found the regime draft inadequate. The Supreme Soviet, in addition, never received from the Council of Ministers the promised human rights legislation, even though regime officials had aroused expectations by repeatedly assuring the Supreme Soviet that they had completed or almost completed the drafts.

By the time the second session opened September 25 - November 1989, regime priorities had changed. The legislative agenda, approved by the Presidium on September 25, listed thirty-four items: nineteen "priority questions" and fifteen less important "other questions."²² The first category consisted primarily of economic legislation: the plan and budget for 1990, and draft laws on land and land use, on lease relationships, on socialist enterprises, on economic management in the union republics, on quality production, and on taxation. The first category also included constitutional changes and rules of procedure for the Congress and Supreme Soviet. The second category emphasized law and order, and included only two items that addressed individual rights and freedoms: a draft law on the press and a proposal to strengthen a law passed earlier establishing procedures to redress violations of citizens' rights by public officials. In his opening statement on September 25, the Deputy Chairman of the Supreme Soviet, A. I. Lukyanov, declared that the economic bills required "priority consideration," and that the Supreme Soviet could "begin" the discussion of other issues and bills "if possible." Thus, the regime moved economic issues to the forefront and placed measures dealing with social turmoil and nationalist ferment ahead of individual human rights.

The Foreign Ministry, however, continued to promote human rights legislation as an important element of Soviet foreign policy, thus, facilitating the CSCE process and detente trends. At a September 27, 1989 press conference on humanitarian affairs, Deputy Foreign Minister A. L. Adamshin emphasized the importance of its early passage and portrayed the major bills in this group as ready for consideration by the Supreme Soviet.²³

At the same press conference, Fedor Burlatskiy, a reformist and Chairman of the Humanitarian Affairs and Cultural and Scientific Ties Subcommittee of the Supreme Soviet's International Affairs Committee, discussed prospects for early passage of human rights legislation with a striking lack of optimism. In an interview the following month, he complained that his committee had expected to receive draft laws on foreign travel and emigration, on independent associations, on freedom of conscience, and on the press, but that "so far we have . . . only one of the promised documents - a draft law on the press and mass media."²⁴ He

22. Ved. Verkh. Sov. SSSR No. 51, Dec. 21, 1989, at 439-40; *Izvestiia*, Sept. 27, 1989.

23. Moscow TASS Int'l Serv., Sept. 27, 1989, *Izvestiia*, Sept. 29, 1989, USSR FBIS, Oct. 3, 1989, at 36-38.

24. *Izvestiia*, Oct. 10, 1989.

accused the bureaucracy of being slow and unwieldy, and also attributed the delay to conservative opponents of reform.²⁵ When the law on the press appeared on the agenda of the Supreme Soviet's second session, an *Izvestiia* article complained about the low priority assigned to the only legislative item that addressed the fulfillment of the Vienna accords.²⁶

C. The "Law on the Press and Mass Media": A Case Study

The first major human rights bill introduced to the Supreme Soviet, the law on the press, provides a vivid case study of how the new legislative process presented the regime with a conflict between its own perceived interests and those of society, expressed through its elected representatives. The regime visualized the press law as a reform measure but relied on the traditional process of having the bureaucracy draft it. The bill that the bureaucracy produced was so regressive that the Supreme Soviet committee that received it, in an unprecedented move, discarded the official draft and drafted its own law. The committee's draft asserted the principles of a free uncensored press so uncompromisingly that it placed the regime in a quandary. Debate on the press bill during the Supreme Soviet's second session ended inconclusively, however, and the Supreme Soviet returned the bill to committee and deferred final action until the next (third) session of the Supreme Soviet. The details in the biography of the press bill deserve close inspection.

Soviet legal scholars had long recognized the need for a press law. Finally, when the Gorbachev regime began to develop a comprehensive reform plan, a press law was included in a September 1986 decree containing an extensive list of proposed legislation.²⁷ In accordance with the prevailing practice in 1986, the decree stated that the USSR Ministry of Justice, the USSR State Committee for Publishing Houses, Printing Plants and the Book Trade, and the USSR Journalists Union would be responsible for drafting the press law. There was little doubt that the Main Administration for Safeguarding State Secrets in the Press [*Glavlit*], although not listed, would also be involved.

Work on the draft law continued past the original target date (the fourth quarter of 1987). Early in 1987, a Soviet legal journal published a proposal for a model press law, including its organization, scope, and focus. The journal did not represent the proposal as an official draft.²⁸ Nevertheless, its many restrictive provisions, including guidelines for publishing critical materials, a section on "functions of control over the press (i.e., censorship)," restrictions on publishing by unofficial groups and individual citizens, and rules for the distribution of foreign periodi-

25. *Id.*

26. Gatov & Dolganov, *At the USSR Supreme Soviet Committees and Commissions: The Debate Intensifies*, *Izvestiia*, Sept. 29, 1989, USSR FBIS, Oct. 3, 1989, at 36-37.

27. *Ved. Verkh. Sov. SSSR* No. 37, Sept. 10, 1986.

28. Fedotov, *Krazrabotke kontseptsii zakona o pechati i informatsii*, *Sov. Gos. & PRAVO* No. 3, at 82-90 (1987).

cals, tended to lend credence to other reports that the official draft was a conservative document.

In late 1988, reports appeared that the official draft was circulating among the editorial boards of Soviet periodicals. Details of its provisions then began to surface in the media and in unofficial accounts. Although differing in details, the accounts depicted a restrictive law that could potentially reduce the freedoms that the Soviet press was already enjoying under *glasnost*. The absence of a published official draft and the possibility that circulating unofficial texts were not authentic or were early drafts, heightened the uncertainty.²⁹ Concern about the law increased steadily among Supreme Soviet deputies, editors, journalists, writers, and human rights activists. Publishers of unofficial periodicals, which proliferated during *glasnost* and began to achieve the professionalism of official periodicals, became particularly alarmed that a conservative press law could shut them down or subject them to unacceptable controls.

A lively polemic developed between critics and proponents of a free press, with both sides presenting their arguments forcefully and without apparent constraints. The side of the reformers received a strong boost when an unofficial team of three jurists produced an alternative liberal version of a press law. Initially published in an Estonian periodical in October 1988, the version described the Soviet press as a free and uncensored "institution of Socialist democracy;" it also asserted the right of informal groups and individuals to establish periodicals and broadcast media, and stipulated that government officials were obligated to respond to journalists' requests for information, except where state secrets were involved.³⁰ The joint working group of three Supreme Soviet committees selected this unofficial version as an initial working draft in writing its own bill on the press and mass media.³¹

The final version of the bill placed the regime in a quandary because of its unusual history and uncompromisingly liberal tone. During the Gorbachev years, censorship was progressively relaxed although its administrative structure remained intact; editors of major papers have reported receiving instructions on how to treat major press topics. Gorbachev himself meets regularly with Moscow editors to discuss major developments and provide guidance. There is little doubt that the regime, while willing to allow press publishers and editors considerable leeway in selecting subject matter and determining editorial policy, nevertheless wanted to retain some controls over the press at a time of

29. See Tolz, *Controversy over Draft Law on the Press*, Radio Liberty Research Report 547/88, Dec. 6, 1988.

30. Molodezh Estonii, Oct. 21, 1988, at 33-48.

31. Statement by Deputy Boris Markovnikov at Radio Moscow press conference, Moscow World Service, Sept. 21, 1989, USSR FBIS, Sept. 28, 1989, at 49-50; Interview with Deputy Andrey Sebentsov, Sotsialisticheskaya Industriya, Oct. 17, 1989, USSR FBIS, Oct. 30, 1989, at 84-85; Dolganov, *Draft Press Law Approved*, Izvestiia, Sept. 21, 1989, USSR FBIS, Sept. 28, 1989, at 49-50; Interview with F.M. Burlatskiy, Izvestiia, Oct. 10, 1989, USSR FBIS, Oct. 13, 1989, at 43-44.

increasing social and political turmoil, yet it had not taken a formal position with respect to the bill when the working group presented it to the Supreme Soviet for consideration in November 1989.

The regime position on the press bill in the Supreme Soviet was represented by Supreme Soviet Chairman (and Politburo Candidate Member) Lukyanov and Deputy V.A. Medvedev (Politburo member and Party Secretary in charge of ideology). In his November 24, 1989 speech assessing the press bill, Medvedev avoided a frontal assault by faintly praising the bill and making smoothly worded suggestions about the "necessity of improving a number of articles in this law."³² He also stated that extremists and "so-called informal, nonregistered publications, that is to say, ones that are outside the law," should not abuse press freedoms.

Strange things then began to happen.³³ Several deputies charged that attempts were being made to remove the press bill from the agenda. During debate, deputies suddenly discovered that, in addition to a copy of the authorized text, another draft of unknown origin had been distributed to deputies and contained textual changes reflecting the conservative position on several key issues of the bill. When deputies protested the irregularity of the draft, which even lacked the formality of listing the deputies responsible for its distribution, Lukyanov did not sign the irregular draft. Instead, he wondered aloud what the problem was and urged that all the versions be examined.

On November 27, 1989, the Supreme Soviet approved upon first reading the basic provisions of the draft Law on the Press, instructed the three committees in charge to revise the draft on the basis of proposals made at the Supreme Soviet session, and ordered the "elaborated draft" published for public discussion.³⁴

The strange events, however, had not finished. When the draft law appeared in *Izvestiia*, two of the articles included both the "unofficial" alternative wording and the official text approved by the Supreme Soviet.³⁵ The alternative passage to article 6 eliminated the right of private Soviet citizens to "found a mass information medium." The alternative passage to article 42 increased the authority of the sponsoring organizations and publishers of periodicals over their editorial staffs.

32. Moscow Television Service, Nov. 24, 1989, USSR FBIS, Nov. 27, 1989, at 65-66.

33. Supreme Soviet debate, Moscow Television Service, Nov. 20, 1989, USSR FBIS, Nov. 21, 1989, at 44-50; Supreme Soviet debate, Moscow Television Service, Nov. 24, 1989, USSR FBIS, Nov. 27, 1989, at 61-67; *Izvestiia*, Nov. 26, 1989, at 1-2; *Debate on the Freedom of the Press*, Sovetskaya Kultura, Dec. 9, 1989, at 3, USSR FBIS, Dec. 20, 1989, at 96-101; Interviews with a group of young legal scientists, *Komsomolskaya Pravda*, Jan. 10, 1990, at 1, USSR FBIS, Jan. 12, 1990, at 102-104; Interview with N. V. Fedorov, *Trud*, Jan. 18, 1990, at 2.

34. *The Committee on Questions of Legislation, Legality, and Law and Order, the Committee on Questions of Glasnost and Citizens Rights, and the Committee on International Affairs*, *Izvestiia*, Dec. 5, 1989, at 1.

35. *Id.* at 3.

It appears, therefore, that the regime went to considerable lengths in order to dilute the key provisions of the press law by engaging in dubious parliamentary maneuvers and outright political chicanery. It remains to be seen what will happen when the Supreme Soviet resumes consideration of the bill at its third session in February 1990.

Conclusion

The experience with the press law raises larger questions of how future conflicts are to be resolved between the regime and the Supreme Soviet. Judging by the legislative agenda published for the third Supreme Soviet session,³⁶ the current regime strategy appears to be one of imposing a Draconian work load with tight deadlines on the Supreme Soviet committees in getting the bills out for consideration. Presumably, the presiding chairmen of the Supreme Soviet will apply similar pressure to push the bills through with minimal debate. The regime desperately needs to break the legislative reform logjam, but it may be calculating also that enforced haste can minimize opportunities for legislators to succumb to the temptations of rewriting regime-crafted laws.

In the longer perspective, the establishment of a powerful presidency in March 1989 and the transition of the USSR government from a parliamentary to a presidential model appears to have strengthened the position of the executive branch vis-à-vis the legislature and the likelihood that it will retain a dominant role in Soviet political life for the foreseeable future.

36. *Izvestiia*, Feb. 22, 1990.